

## REMARKS

The above amendments and the following remarks are being submitted as a full and complete response to the Office Action dated March 20, 2009. In view of the above amendments and the following remarks, the Examiner is respectfully requested to give due reconsideration to this application, to indicate the allowability of the claims, and to pass this case to issue.

### Status of the Claims

Claims 7-21 are under consideration in this application. Claims 7, 8 and 11-14 are being amended to more particularly point out and distinctly claim the subject invention. All the amendments to the claims are supported by the disclosure of the present invention, including but not limited to paragraphs [0026], [0028], [0031], [0036]-[0038] and [0042] of US Publication No. 2007/0289257, the corresponding publication of the above-referenced application. Applicants hereby submit that no new matter is being introduced into the application through the submission of this response.

### Prior Art Rejection

The Examiner rejected claims 7-8 and 11-13 under 35 U.S.C. §103(a) as being unpatentable over Schmied (US 3,269,079) in view of Jones (US Patent No. 5,682,758). Also, the Examiner rejected claims 9-10 and 14-21 under 35 U.S.C. §103(a) as being unpatentable over Schmied in view of Jones, and further in view of Tramposch et al. (US Patent No. 6,131,368). These rejections have been carefully considered, but are most respectfully traversed, as more fully discussed below.

The present invention as recited in claim 7 is directed to a packaging apparatus for a granular object having adsorption ability, comprising: a heating device for heating a granular object having adsorption ability; a charging device for charging the granular object into a storage bag having an end opening facing upward and an opposite closed end pressed flat; a sealing device for pressing flat to seal the end opening facing upward of the storage bag into which the granular object has been charged; and a cooling device for cooling the storage bag with the granular object, having a support for supporting the storage bag with the granular object keeping the end sealed by the sealing device higher than the opposite closed end, the granular object being kept settled at a bottom pressed flat of the storage bag by the support; wherein the heating device is located upstream of the sealing device along the flowing

direction of the granular object (see paragraphs [0026], [0028], [0031], [0036]-[0038] and [0042] of US Publication No. 2007/0289257).

Further, the present invention as recited in claim 14 is directed to a method for producing a package packaging a granular object having an adsorption ability, comprising the steps of: heating a granular object having an adsorption ability; charging the granular object into a storage bag having an end opening facing upward and an opposite closed end pressed flat; pressing flat to seal the end opening facing upward of the storage bag into which the granular object has been charged; and cooling the storage bag with the granular object kept to be settled at a bottom pressed flat of the storage bag, wherein the step of heating is conducted prior to the step of sealing (see paragraphs [0026], [0028] and [0036]-[0038] of US Publication No. 2007/0289257).

Among the main features of the present invention, the structure and operation for forming pressed-flat ends of a storage bag into which the granular object has been charged could improve efficiency in the encasement, storage and transportation of the granular object because this increases the number of storage bags that could be stored per unit volume. Additionally, the structure and operation of the present invention provides for the storage bag being filled and handled such that the packaged granular object does not spill when the storage bag is opened because the granular object is settled at one end.

Applicants will contend that none of the cited references provides any disclosure, teaching or suggestion that would render obvious the structure or operation for the combination of heating a granular object having an adsorption ability; charging the granular object into a storage bag having an end opening facing upward and an opposite closed end pressed flat; pressing flat to seal the end opening facing upward of the storage bag into which the granular object has been charged; and cooling the storage bag with the granular object kept to be settled at a bottom pressed flat of the storage bag, wherein the heating is conducted prior to the sealing.

Rather, the primary reference of Schmied merely discloses “*Referring more particularly to FIGS. 1 and 2 of the drawing, the filling and packing machine comprises a casing 1 on which a support member 2 is mounted. Strip-like material 5 is continuously unwound from a reel, not shown, and supplied to the packing machine. The packing material 5 is in the form of paper type strip coated on one side with a plastic film made, for example, of polyethylene, and is so guided into a ring 3 that a tube 5' is formed, the coated side of the paper forming the inner wall of the tube. The lateral marginal portions of the material 5 overlap and form a longitudinal portion of the tube after it is formed. A heating element 7*

*secured to a support 6 is pressed against the overlapping portions of the material 5 and binds the overlapping portions together by fusing the plastic film. Inside the formed tube, the overlapping portions bear against a roller, now shown, opposite the heating element 7 which is electrically heated.”* (see column 2, lines 47-64).

Such a structure and operation as disclosed in Schmied is completely different from those of the claimed invention. In addition, as noted by the Examiner in the Office Action, Schmied does not disclose or suggest the use of a cooling device that supports the package during cooling. The secondary reference of Jones is supposed to make up for this deficiency.

However, Jones merely discloses a conveyor 12 that moves molds 14, which are filled with hot asphalt, into the cooling chamber 18. A coolant dispenser 22 introduces coolant, preferably in the form of a water mist, into the cooling chamber 18. The air and coolant in the cooling chamber 18 may then be forced or drawn out of the cooling chamber by a vapor remover, such as a blower 20, thus lowering the ambient temperature conditions inside the cooling chamber 18 (see column 4, lines 26-34, for example).

Applicant will point out that one of skill in the art would not be motivated to combine Schmied with Jones since their basic operations are quite different from each other. Where Schmied reels out a strip-like material vertically that is then heated to seal a marginal portion so that it can then be filled as the material reeled out vertically and then separately sealed at a lower portion, Jones is based on a horizontal conveyor system through which separate molds are moved through a cooling chamber. One of skill in the art would not combine the teachings of these two references, since doing so would in effect destroy and/or contradict the basic principles the references. It is well established in US patent case law that a rejection based on contradictory teachings in the prior art cited is improper. Therefore, the present invention as claimed cannot be rendered obvious in light of Schmied and Jones.

Further, the tertiary reference of Tramposch was only cited for showing specific features recited in the dependent claims. This reference falls far short of providing any teaching or suggestion that would make up for the deficiencies in either of Schmied or Jones, such that their combination could now embody every feature of the claimed invention. Instead, even if all three references were combined, such a combination would still suffer from the same deficiencies as those discussed above. Consequently, that combination of references could not render the present invention as claimed obvious to one of skill in the art.

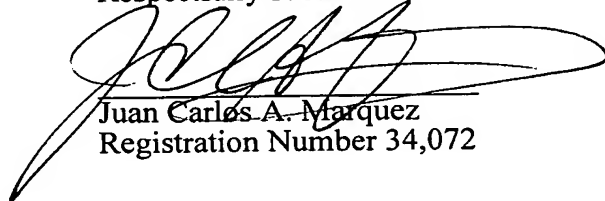
Applicants thus contend that the present invention as now claimed is distinguishable and thereby allowable over the cited prior art. The withdrawal of the outstanding prior art rejections is in order, and is respectfully solicited.

### Conclusion

In view of all the above, Applicants respectfully submit that certain clear and distinct differences as discussed exist between the present invention as now claimed and the prior art references upon which the rejections in the Office Action rely. These differences are more than sufficient that the present invention as now claimed would not have been anticipated nor rendered obvious given the prior art. Rather, the present invention as a whole is distinguishable, and thereby allowable over the prior art.

Favorable reconsideration of this application as amended is respectfully solicited. Should there be any outstanding issues requiring discussion that would further the prosecution and allowance of the above-captioned application, the Examiner is invited to contact the Applicants' undersigned representative at the address and telephone number indicated below.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'J. Marquez', is written over a horizontal line.

Juan Carlos A. Marquez  
Registration Number 34,072

**REED SMITH LLP**  
3110 Fairview Park Drive, Suite 1400  
Falls Church, Virginia 22042  
(703) 641-4200

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